

Exhibit 1

Sheikh Hamad Al-Husaini's
Motion to Dismiss the Third Amended Complaint

03 MDL No. 1570 (RCC) / C.A. No. 03-CV-9849 (RCC)

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

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) 03 MDL No. 1570 (RCC)
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)

THOMAS E. BURNETT, SR., *et al.*,

Plaintiffs,

v.

)
) C.A. No. 03 CV 9849 (RCC)
)
)
)

AL BARAKA INVESTMENT AND DEVELOPMENT
CORPORATION, *et al.*,

Defendants.

DECLARATION OF BASSIM ALIM

I, Bassim Alim, being duly sworn, declare and state as follows:

1. I am over 18 years of age and competent to testify to the matters set forth below of my own personal knowledge.

3. I reside in Jeddah, Saudi Arabia, and I am the Managing Partner in the Law Office of Bassim A. Alim, Esq. located at Wali Al-Ahd Street Abeer Building, Suite No. 17, P.O. Box 10361 Jeddah 21433, Saudi Arabia, Phone: +966 2 651 3321, Fax: +966 2 651 0846. The firm is a diversified practice representing a number of Saudi and foreign individuals and institutions in International Trade, Commercial Law, International Transactions, Project Finance, Negotiation, Company Law, Islamic Banking, Islamic Finance, Equipment Leasing, Construction Contracts, Government Consultations, Real Estate, and Aviation.

4. I am an attorney licensed in Saudi Arabia and have been retained by counsel for Dr. Abdullah bin Abdul Mohsen Al-Turki, Mr. Mohammed Ali Mushayt, Sheikh Hamad Al-Husaini, Sheikh Safer Al-Hawali, and Sheikh Salman Al-Oadah in the above-styled case for the purpose of verifying English translations of their Arabic-language affidavits in connection with

their respective motions to dismiss the lawsuit.


5. My educational qualifications can be summarized as follows: I received an LLM degree in 1993 from Harvard Law School, Cambridge, MA; a JD degree in 1992 from American University, Washington College of Law, Washington, D.C.; and a BA degree in 1988 from American University, School of International Service, Washington, D.C. In addition, I hold Saudi Arabian Legal Profession Practice License # 98/23 and Saudi Arabian Legal Translation License # 235.

6. I am a member of a number of law organizations, including the Arab Bar Association (ABA); the International Bar Association (IBA); the Legal Committee of the Saudi Chamber of Commerce Jeddah (Previously); Vice Chairman of the Legal Committee of the Makkah Chamber of Commerce (Previously); the National Legal Committee of the NCCI (Previously); the Arab Society for the Protection of Intellectual Property; Licensing Executives Society--Arab Countries; and Union Internationale Des Avocats (UIA) - International Association of Lawyers. In addition, I was a Fellow Associate Researcher at The Oxford Center for Islamic Studies, Oxford University, 1994-1996.

7. I have reviewed the originals and the English translations of the declarations to be filed in this case on behalf of Dr. Abdullah bin Abdul Mohsen Al-Turki, Sheikh Hamad Al-Husaini, Mr. Mohamed Ali Mushayt, Sheikh Salman Al-Oadah, and Sheikh Safer Al-Hawali. Based on the qualifications set forth in Paragraphs 5-6, *supra*, I attest that the English translations are true and accurate translations of the original Arabic documents.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.




Bassim Alim



Executed on the 3 day of April, 2004.

محكمة مقاطعة الولايات المتحدة - المقاطعة الجنوبية لنيويورك

قضية توماس بريث _____ نت {
(المدعين) { قضية مدنية
ضد { رقم (03 CV 9849)
مجموعة البركة الإستثمار والتطوير {
(الدفاع) {

إقرار الشيخ حمد الحصيني لإرفاقه مع طلب إسقاط الدعوى

أقر أنا حمد الحصيني وأقول مايلي:

١- أنا عمري أكبر من ١٨ سنة ، وأنا مؤهل للإدلاء بشهادتي حول الوقائع الموصوفة في هذا الإقرار.

٢- لقد أخبرت أنني رقمي في القضية المذكورة أعلاه هو (D209) ، وأنا هذا الإقرار لدعم طلب إسقاط الدعوى المرفوعة ضدي لعدم وجود سلطة قضائية ونقص في إجراءات تبليغ الدعوى.

٣- ولدت في عام { ١٩٢٧م } في مدينة { إشيقر } وقد عشت طيلة عمري بالمملكة العربية السعودية وأنا مواطن سعودي.

٤- أعمل حالياً وكيل تسويق ساعات في مدينة الدمام بالمملكة العربية السعودية.

٥- لم أزر الولايات المتحدة الأمريكية أبداً.

٦- لا أملك أي عقار أو حسابات بنكية ولا استثمارات عقارية أو شخصية ، ولا أمارس أي عمل تجاري في الولايات المتحدة الأمريكية أو مع أي مؤسسة أمريكية.

٧- لست مشترك ولا أقرأ جريدة الهيرالد تريبيون العالمية ، ولا جريدة القدس العربي والتي تعتبر على حد علمي من المطبوعات الممنوعة في المملكة العربية السعودية.

٨- أنا لم أساند أبداً أي أعمال تسبب فقد أرواح بريئة، ولا أعتقد أن هناك أي مبرر لهجمات ١١ سبتمبر المأساوية. وبصفتي أحد التجار المعروفين ، دائماً يطلب مني التبرع. فأقدم التبرعات للفقراء والمحتاجين فقط.

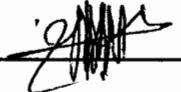
٩- صلتني بأي من المدعى عليهم في هذه القضية لا تقتضي أنني قمت أو ساعدت أو حرضت على القيام بالإرهاب أو تواطأت في ذلك.

١٠- لقد أخبرني المحامي بأن إسمي أضيف في التعديل الثالث للدعوى ، على كل حال لا يوجد اي تهمة موجه لي.

١١- لا أستطيع قراءة أو كتابة أو التحدث باللغة الإنجليزية، وقد تم إخباري بأن إقرار هذا سيتم ترجمته إلى اللغة الإنجليزية لغرض القضية.

أقر تحت طائلة عقوبة الحنث باليمين طبقاً لقوانين الولايات المتحدة الأمريكية بأن ما سبق حق وصحيح.

الإسم : حمد الحصيني

التوقيع: 

جرى التوقيع في يوم : ٢٠ من شهر ٣ من عام ٢٠٠٤ في المملكة العربية السعودية

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

03 MDL No. 1570 (RCC)

THOMAS E. BURNETT, SR., *et al.*,

Plaintiffs,

v.

C.A. No. 03 CV 9849 (RCC)

AL BARAKA INVESTMENT AND DEVELOPMENT
CORPORATION, *et al.*,

Defendants.

DECLARATION OF SHEIKH HAMAD AL-HUSAINI

I, Sheikh Hamad Al-Husaini, being duly sworn, declare and state as follows:

1. I am over 18 years of age and competent to testify to the matters set forth below of my own personal knowledge.
2. I have been informed by my attorney that I am a defendant (D209) in the above-captioned action. I am submitting this declaration in support of my Motion to Dismiss for lack of personal jurisdiction and improper service of process.
3. I was born in 1927 in Saudi Arabia, and have lived in that country all of my life. I have always been a citizen of the Kingdom of Saudi Arabia.
4. I am a watch retailer in Dammam, Saudi Arabia.
5. I have never visited the United States.
6. I own no real property in the United States. I also have no bank accounts, and have no investments in the United States. I do not engage in transactions with businesses in the

United States.

7. I am elderly and in poor health, which prevents me from engaging in lengthy travel.

8. I do not subscribe to or read either the *International Herald Tribune* or the *Al Quds al Arabi*. The latter publication, to my knowledge, is banned in the Kingdom of Saudi Arabia.

9. I have never supported the loss of innocent life and believe that there is no justification for the tragic attacks of September 11, 2001. I have never supported any person or organization that I have known to participate in terrorist activities. As a well-known businessman, I have been frequently solicited for donations. I have made charitable donations to support the poor and those in need only.

10. I am informed by my attorney that my name was added to the list of defendants some time after the Third Amended Complaint was filed. However, no allegations were made about me.

11. I cannot read, write, or speak English. I understand that this declaration will be translated into English for purposes of this case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Sheikh Hamad Al-Husaini

Executed on the 30 day of March, 2004.